

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA 2017 MAY 30 P 41
v.) Criminal No. 2:17-mj- 127-JHR
DEPUTY CLERK) 18 U.S.C. §§ 2261A(2)(B) & 2261(b)(5)
GREGORY FERNANDEZ)

COMPLAINT

I, Pamela A. Flick, being duly sworn, state that the following is true and correct to the best of my knowledge and belief.

COUNT ONE
(Stalking)

From about January 1, 2017 until about May 22, 2017, in the District of Maine and elsewhere, Defendant,

GREGORY FERNANDEZ

with the intent to injure, to harass, to intimidate, and to place under surveillance with intent to injure, harass and intimidate, another person, namely, Victim 1, used electronic communication service and facilities of interstate or foreign commerce, including electronic mail and social media platforms, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause, substantial emotional distress to Victim 1.

In violation of Title 18, United States Code, Sections 2261A(2)(B) and 2261(b)(5).

COUNT TWO
(Stalking)

From about January 1, 2017 until about May 22, 2017, in the District of Maine and elsewhere, Defendant,

GREGORY FERNANDEZ

with the intent to injure, to harass, to intimidate, and to place under surveillance with intent to injure, harass and intimidate, another person, namely, Victim 1, used electronic communication service and facilities of interstate or foreign commerce, including electronic mail and social media platforms, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause, substantial emotional distress to Victim 2, an intimate partner of Victim 1.

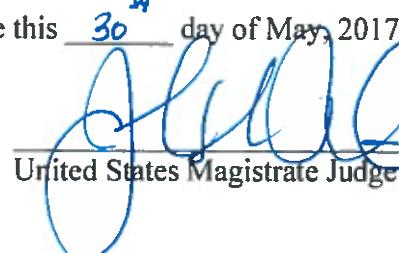
In violation of Title 18, United States Code, Sections 2261A(2)(B) and 2261(b)(5).

I am a Special Agent with the Federal Bureau of Investigation. This Complaint is based on those facts which are set forth in my affidavit attached hereto and incorporated by reference.



Pamela A. Flick
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence this 30th day of May, 2017.



United States Magistrate Judge

AFFIDAVIT OF PAMELA A. FLICK

1. I, Pamela A. Flick , being duly sworn, depose and state that I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since 1994. I am currently assigned to the Portland, Maine office. I make this affidavit in support of the issuance of a criminal complaint charging Gregory Fernandez with two counts of stalking, in violation of 18 U.S.C. § 2261A(2)(B). The information contained in this affidavit is based on my personal involvement in this investigation, my training and experience, and information provided to me by others.

2. Following a referral from the Portland Police Department (PPD) in March 2017, I began investigating allegations of interstate stalking by an individual named Gregory Fernandez, 27, a resident of Brick Township, New Jersey. The victim of Fernandez's stalking is Victim 1, 26, a Canadian citizen, who has been living in the Portland, Maine area, where she is a member of a musical band, since early January 2017. As part of my investigation, I have personally interviewed Victim 1 and her wife (hereinafter "Victim 2"), from whom I have learned the following about the stalking behavior of Fernandez against this couple.

3. Fernandez formerly worked in a local New Jersey musical arts venue where he met and became casual acquaintances with Victim 1 in 2014. After knowing each other primarily through music for a short time, in approximately March 2014, Fernandez and Victim 1 had one sexual encounter while staying with mutual friends in a New Jersey residence. According to Victim 1, the following day, she expressed to Fernandez that she had no romantic or sexual interest in him. Victim 1 has since learned that shortly after their sexual encounter in March 2014, Fernandez began telling mutual friends that he was Victim 1's boyfriend and they had plans to live together.

4. While Victim 1 resided primarily in Canada for much of 2014, she frequently traveled to Maine and other areas of the United States in pursuit of her music career. Victim 1's band has a public email address and a social media presence for promotional purposes. Despite Victim 1's express disinterest in developing any relationship beyond simple friendship with Fernandez, he repeatedly contacted her via the public email address and on social media platforms continuously through the summer of 2014. I have personally reviewed many of those communications sent to Victim 1 by Fernandez, using gregfernandezmedia@gmail.com; and they grew to be increasingly harassing in nature by the August 2014. Throughout that time, Victim 1 did engage in communications with Fernandez in an effort to convince him to leave her alone and move on in a friendly manner. In August 2014, however, Victim 1 sent him at least ten text messages insisting that Fernandez stop all communications with her. She did not send him any communications again until December 2014 when she again asked him to stop all communications. From August 2014 through June 2015, Fernandez proceeded to contact Victim 1 via numerous emails despite her repeated requests for him to stop.

5. In June 2015, Fernandez abruptly ceased all communications with Victim 1. The silence continued until July 2016 when Fernandez began posting communications on one of the social media sites belonging to Victim 1's band. Victim 1 attempted to block such posts, but they continued until December 2016 when Fernandez, again using the email address gregfernandezmedia@gmail.com, began emailing Victim 1 directly again using the same public email address associated with her band. At that time, Victim 1 became serious with Victim 2, whom she began dating after meeting Fernandez. Many of the harassing communications Fernandez sent to Victim 1 in 2016 seem focused on her new relationship. Specifically, on December 3, 2016, Fernandez emailed Victim 1 at 3:25 AM:

Hey it would be nice to have a conversation with you one day without feeling like you're trying to throw me in jail...

I hope you're having fun being gay

Later the same day, at 11:26 AM, Fernandez wrote:

Hey we live on the same planet, privatizing yourself and blocking me isn't going to help you grow

You're in denial I can smell it from New Jersey

Have a great day

Talk to you in the future

In response to these emails, at 4:07 PM on December 3, 2016, Victim 1 responded to Fernandez:

Greg, I'm going to very clear here. I need you to stop trying to contact me, this has now been over two plus years of continued online harassment...I have made it incredibly clear to you that it makes me extremely uncomfortable, and I would please like to ask you to respect that by not contacting me...

I'm sure you have a lot of friends, family and coworkers who care about you. Please focus your energy on those people, and please stop obsessing over me. It's very inappropriate and not something I want to have to deal with anymore.

Fernandez then wrote, at 4:22 PM the same day:

...You should feel uncomfortable, that's not illegal.

He continued to email her several times during December 2016, again referencing her sexual orientation, and ended December with an email on December 29, 2016 at 2:05 AM that read:

I want to eat your asshole.

6. By the beginning of January 2017, Victims 1 and 2 were living together in the Portland, Maine area. Fernandez continued to send Victim 1 harassing emails and began, at that time, to also send direct emails to Victim 2, whose email he obtained when he attempted to purchase merchandise from Victim 1's band, the online store for which she handles. He did so

still using the email address gregfernandezmedia@gmail.com. Specifically, Fernandez contacted both women via email in January 2017 expressing his desire to win back Victim 1 from Victim 2. His communications express blatant disregard for the couple's sexual orientation and begin, at this time, to become threatening in nature. His daily emails in the first week of January 2017 were directed to just Victim 1. In them, he wrote:

You're the love of my life and I'm going to win you back (January 1, 2017)

I will have my vengeance (attached to a photo of Fernandez exposing his mid-drift and holding up his middle finger) (January 2, 2017)

Why won't you love me? (January 3, 2017)

Tonight I'm loving you from a distance (January 4, 2017)

I just wanted to let you know that I love everything about you, even your silence is music to me

Take your time, I hope I can repay you for making me feel like this (January 5, 2017)

One day I'm going to get past this... I'm just waiting for the sun to come back (January 6, 2017)

On January 7, 2017, however, Fernandez began repeatedly emailing both Victims 1 and 2.

In the emails sent to both women he said:

TO VICTIM 2

If you honestly think you're going to
marry the girl I love you've got another thing coming
My strap on is bigger than yours
(January 7, 2017 at 12:26 PM)

TO VICTIM 2

So when you were a kid you wanted to grow up and romantically scissor a girl in Maine? Really? Can I call bullshit already?
(January 7, 2017 at 12:43 PM)

TO VICTIM 2

Stop ruining the way I feel about the person you're clearly not in love with
(January 7, 2017 at 12:58 PM)

TO VICTIM 2

How romantic? (with an attached photograph of a woman's torso wearing a strap on sexual apparatus)
(January 7, 2017 at 1:09 PM)

TO VICTIM 2

I know you think lesbian sex is cool and everything but I really hope you meet a man that feels the way I do about [Victim 1] one day, good luck with your endeavors I'll be watching closely
(January 7, 2017 at 1:31 PM)

TO VICTIM 1

I hate that you're doing this
I know you still have feelings for me
Have a good day, I guess I'll wander back into life today and hope something else hits me as hard you did
You can't do this forever
(January 7, 2017 at 1:47 PM)

TO VICTIM 2

By the way, go fuck yourself
(January 7, 2017 at 2:29 PM)

TO VICTIM 1

I'll be at your next show in New Jersey and you can hire a cop to watch me the whole time...Maybe you can truly end my heartbreak that night in person, or maybe I'll convince you otherwise (January 7, 2017 at 2:58 PM)

TO VICTIM 1

Put me in jail because I don't want to live a life where you're a public lesbian
(January 7, 2017 at 4:21 PM)

TO VICTIM 2

I'm going to find out who your last boyfriend is and have gay sex with him in the asshole
(January 7, 2017 at 5:06 PM)

7. In the middle of these communications, on January 7, 2017, Victims 1 and 2 filed a harassment report against Fernandez at PPD. As a result of that report, which I have reviewed, PPD contacted the Brick Township, New Jersey Police Department (BTPD) and Fernandez was

served with notices to discontinue harassment of both Victims 1 and 2 on that date.¹ In an email subsequently sent to Victim 1 at 6:04 PM on January 7, 2017, Fernandez wrote:

Just got a phone call that two officers came to my door
Thanks for never helping meet
Can't wait to start counseling again

8. Victims 1 and 2 were married in late January 2017. Again, there was a period of time with no communication and then on Valentine's Day, February 14, 2017, Fernandez emailed Victim 1, writing, "I hope you have a gay holiday." There was another period of silence and then again, on March 12, 2017, Fernandez emailed Victim 1 again, in which he wrote:

Enjoy your tour.
I'm not showing up to your asbury show, there's no point trying to win you over that night with such an unfair advantage.
Enjoy it while it lasts.

Victim 1 was particularly distressed by the last line of this March 12th email, so she and Victim 2 again filed reports with PPD about Fernandez's stalking. In response, the same day, officers from the BTPD returned to Fernandez's home to speak with him and advised him to stop contacting Victim 1. I have reviewed the BTPD report regarding that visit to Fernandez's home in which officers were asked to make contact with him and advise him to stop contacting Victim 1. The report notes that contact was made and that "He's not going to send anymore emails."

9. The next time Fernandez emailed Victim 1 was on Friday, May 19, 2017. Again, using the email address gregfernandezmedia@gmail.com, he wrote to her at her public email address, "am I allowed to go to your show on june 3rd² or are you going to be gay about it ps

¹ On January 13, 2017, PPD confirmed via email with BTPD that the notices were served to Fernandez on January 7, 2017.

² According to Victim 1, her band does have a concert scheduled in Asbury Park, New Jersey on June 3, 2017.

don't call the police..." Two minutes later, Fernandez emailed, "look I'm sorry, forget I sent that email. [t]his whole thing is giving me anxiety[.]" Despite no response to any of his direct communications sent to Victim 1 since 2015, on Sunday, May 21, 2017, Fernandez emailed Victim 1 again and, in apparent reference to an upcoming concert series for her band, including one scheduled in New Jersey on June 3rd, he wrote:

hey I have a hard time understanding whether or not you would want me to come out to one of your shows so I wrote this...
ps, if this warrants a report please save it, my family is not doing well today
also if you're going to write back something negative just don't write back at all please.

Victim 1 did not respond. On Monday, May 22, 2017, Fernandez wrote to Victim 1:

hey so i can only assume by your Vitamin C reference that it would be ok if i came out to one of your shows again. this is the last demo im sending you before i go record a new album of music this year if for some reason i "completely misread the situation" again, please don't call the government on me again today, i have a really important meeting with my younger sister's assistants at home today and i would like to avoid the strife anyways, it would be nice to see you next month if you're attracted to the idea at all Greg ps, i don't need you to write me back. just keep being you and i'll figure out of how you feel about it have a great day.

Victim 1 told me that she was particularly disturbed by this email because in it he makes reference to a post on her band's social media page posted from that night which had absolutely nothing to do with Fernandez. Furthermore, Fernandez has been attaching his own "demo music" to the most recent emails to Victim 1, which she also finds disturbing because she has not requested songs from him.

10. Victim 1 reported to me that she is so upset by the communications that she and her band have considered altering their schedule to avoid playing anywhere near Fernandez's

hometown. Victim 1 has indicated to me that notifying and requesting help from each concert venue's security to avoid contact with Fernandez has become standard procedure for each event since she has observed that Fernandez's delusional behavior has grown increasingly worse. During my interviews of Victims 1 and 2, they both reported to me that Fernandez's harassing and threatening behavior toward Victim 1 has caused both of them substantial emotional distress. As she and her band maintain a public email and social media sites, Victim 1 is not able to block Fernandez or close these sites without jeopardizing her music career or that of her bandmates. The daily emails, constant concerns for safety and the need for safety planning at event venues is causing both women anxiety and overwhelming stress.

Based on the aforementioned related facts, I respectfully submit that probable cause exists to believe that from about January 1, 2017 until about May 22, 2017, Gregory Fernandez used the facilities of interstate or foreign commerce, specifically, electronic mail and Internet websites, to commit two counts of stalking, in violation of Title 18, United States Code, Section 2261A(2)(B). Accordingly, I respectfully request that this Honorable Court issue a criminal complaint charging Gregory Fernandez with two such offenses.

I hereby swear under oath that the information set forth in this Affidavit is true and correct to the best of my knowledge, information, and belief, and that I make this oath under pains and penalties of perjury.

Dated at Portland, Maine this 30th day of May, 2017.



Pamela A. Flick
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence this 30th day of May, 2017.

United States Magistrate Judge

